



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 06256-98

8 May 2000

CDR [REDACTED] USN

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removal of the original fitness report for 1 November 1996 to 31 July 1997, and its replacement with the supplemental report for the same period which you provided with your petition.

The Navy Personnel Command (NPC) has filed the supplemental fitness report and the reporting senior's transmittal letter.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by NPC dated 19 February 1999 and 27 April 2000, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 27 April 2000. They noted that the Officer Summary Record (OSR) correction alluded to in paragraph 3 of this opinion is the addition of the entry "SUPP" to indicate supplemental material has been added; the marks shown properly remain those from the contested original report, rather than the supplemental report. In view of the above, your application for relief beyond that effected by NPC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and

material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

6256-98

1610
NPC-311
19 February 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CE [REDACTED] U [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 November 1996 to 31 July 1997 and replace it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member chose not to submit a statement. The supplemental fitness reports and cover letter are not in the member's record, however the member included a copy with his petition.

b. The supplemental report changes block-34 from 4.0 to 5.0 and deletes the first sentence in block 41. The member's promotion recommendation is the same on both reports.

c. The member states the original fitness report was submitted with an administrative oversight and may have a major, though unintended impact on his career and potential for command screen.

d. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the original with the supplemental report should only be accomplished when the member demonstrates that retention of the original fitness report would constitute an error or injustice. [REDACTED] actions on [REDACTED] original report were in direct compliance with [REDACTED] direction in NAVADMIN 049/97. [REDACTED] gave reporting senior's, when believed their cumulative average were too high, one chance to lower them without hurting the individual being reported on. The fact that the member perceives the fitness report to be career damaging and affect his potential for promotion is not sufficient reason for substitution.

- e. The member does not prove the report to be unjust or in error.
3. We recommend [REDACTED] s records remain unchanged.

[REDACTED]

Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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1610
NPC-311
27 April 2000

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS
(REVISED OPINION)**

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CDR [REDACTED], USN [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 November 1996 to 31 July 1997 and replace it with a supplemental report for the same period.
2. Based on our review of the material provided, we find the following:
 - a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member chose not to submit a statement. The supplemental fitness reports and cover letter are not in the member's record, however the member included a copy with his petition. We have placed the supplemental report and cover letter in the member's digitized record.
 - b. The supplemental report changes block-34 from 4.0 to 5.0 and deletes the first sentence in block 41. The member's promotion recommendation is the same on both reports.
 - c. The member states the original fitness report was submitted with an administrative oversight and may have a major, though unintended impact on his career and potential for command screen.
 - d. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the original with the supplemental report should only be accomplished when the member demonstrates that retention of the original fitness report would constitute an error or injustice. [REDACTED] original report were in direct compliance with [REDACTED] direction in NAVADMIN 049/97. [REDACTED] gave reporting senior's, when believed their cumulative average were too high, one chance to lower them without hurting the individual being reported on. The fact that the member perceives

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the fitness report to be career damaging and affect his potential for promotion is not sufficient reason for substitution.

e. The member does not prove the report to be unjust or in error.

3. We feel that the addition of the supplemental report and the correction to the member's Officer Summary Record (OSR) constitutes sufficient relief.

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Head, Performance
Evaluation Branch